

Assembly Bill No. 1759

Passed the Assembly July 29, 2003

Chief Clerk of the Assembly

Passed the Senate July 27, 2003

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2003, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Section 116.820 of, to amend, repeal, and add Section 116.230 of, and to add Section 1021.8 to, the Code of Civil Procedure, to amend Sections 12598, 12989.3, 68086, 68926, 68926.1, 68927, and 69927 of, to amend, repeal, and add Sections 26827, 26830, 72055, and 72056 of, to add Sections 12530, 68085.5, 68933, and 69926.5 to, and to add and repeal Section 26826.4 of, the Government Code, and to add Section 1465.8 to the Penal Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1759, Committee on Budget. Court fees.

(1) (a) Existing law specifies a fee of \$35 for filing each small claims action in excess of 12 claims in 12 months, \$5 of which is to be transmitted monthly from the county treasury to the Controller for deposit in the Trial Court Trust Fund.

This bill would, until July 1, 2006, increase that fee to \$60, and increase the amount of that fee to be transferred to the Trial Court Trust Fund to \$30.

(b) Existing law sets the civil filing fee for a notice of motion, any other paper subsequent to a first paper that requires a hearing, a notice of intent to move for a new trial, and an application to review a judgment, with certain exceptions, at \$23, and the fee for a motion for summary judgment or summary adjudication of issues at \$100. Out of each of these fees, \$14 goes to the county treasury as county general revenue.

This bill would increase those fees from \$23 to \$33, and, until July 1, 2006, from \$100 to \$150 respectively; revise the exceptions to the fee; impose, until July 1, 2006, a \$100 fee for the granting of a continuance; and specify that the increases be transmitted from the county treasury to the Controller for deposit in the Trial Court Trust Fund. The bill would also specify that each motion or matter to be heard requires a separate fee.

(c) Existing law specifies the total filing fee for first papers in a civil case.



This bill would impose a \$20 court security surcharge on total filing fees, to be transferred from the county treasury to the Controller for deposit in the Trial Court Trust Fund.

(d) Existing law sets the total filing fees for first papers in a limited civil case at \$90, in a case where the amount demanded exceeds \$10,000.

This bill would increase those fees to \$185 until July 1, 2006.

(e) Existing law imposes a state penalty assessment on fines and forfeitures for certain criminal offenses.

This bill would impose a \$20 court security fee on every conviction, as defined, for such a criminal offense, to be transmitted from the county treasury to the Controller for deposit in the Trial Court Trust Fund; and would require the Judicial Council to administer this provision.

(f) Existing law establishes various fees for filing specified papers with the court in a civil action.

This bill would, until July 1, 2006, establish a \$500 fee to be paid by each party for filing specified papers requesting or opposing the designation of a case as a complex case, and would require payment of the same fee by each party whenever a case is otherwise designated as a complex case upon order of the court. The bill would require these fees to be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund. The bill would also specify that these fees are in addition to total filing fees and specified surcharges, and provide for the enforcement of these requirements.

(g) Existing law sets the total filing fee for specified first papers in probate proceedings at \$185. Existing law, enacted by initiative, prohibits the state from imposing any inheritance or estate tax, except as specified.

This bill would, for estates valued at \$250,000 or more, establish, until July 1, 2006, a progressive total filing fee for certain first papers in probate proceedings, based on the valuation of the estate, of between \$250, and \$3,500 plus 0.2% of the valuation in excess of \$3,500,000. The bill would provide for the administration of these fees, under rules adopted by the Judicial Council, as specified.

(h) The bill would provide that these provisions shall become operative only if specified sums, or more, are appropriated for the

support of trial court funding in the Budget Act of 2003; in which event, they shall become operative on the 15th day after the effective date of the bill or on July 1, 2003, whichever is later.

(2) Existing provisions of the Code of Civil Procedure, Government Code, Health and Safety Code, Penal Code, Probate Code, and Vehicle Code set forth various court fees to be collected for services provided in conjunction with the operation of the courts, as specified.

This bill would require certain court fees that are not subject to a local revenue sharing agreement or practice, as specified, except as to costs incurred by and services provided by the superior court which would be transmitted monthly to the Controller for deposit in the Trial Court Trust Fund, to be deposited in a special account in the county treasury; would provide for the distribution of the revenue from these fees; and would impose new administrative and reporting duties on the Administrative Director of the Courts in this regard.

(3) Existing law entitles the Attorney General to recover from defendants named in a charitable trust enforcement action all actual costs incurred in conducting the action, as specified, and sets forth the procedure for recovery of those costs.

This bill would additionally entitle the Attorney General to recover all reasonable attorneys' fees in those actions, and would revise the procedures for the recovery of attorneys' fees and costs, as specified.

(4) Existing law provides that in a civil action to enforce public rights laws, as specified, the court, in its discretion, may allow the prevailing party, other than the state, reasonable attorneys' fees and costs, as specified.

This bill would extend the recovery of reasonable attorneys' fees and costs to the prevailing party in these civil actions, at the discretion of the court, to the state.

The bill would also provide that whenever the Attorney General prevails in a civil action to enforce specified public rights, the court shall award to the Attorney General all costs of investigating and prosecuting the action, including expert fees, reasonable attorneys' fees, and costs, to be paid to the Public Rights Law Enforcement Special Fund, which the bill would establish in the State Treasury. These provisions would apply to any action



pending on the effective date of the bill and to any actions filed thereafter.

The fund would be administered by the Attorney General and, upon appropriation, moneys in the fund would be used by the Attorney General to support the investigation and prosecution of any matter within the authority of the Department of Justice's Public Rights Division.

(5) Existing law sets the fees for the services of official court reporters in civil cases, as specified, and provides for the deposit of those fees with the court.

This bill would provide an exception to those fees with regard to proceedings lasting one hour or less; revise the provisions governing the deposit of special court reporter fees with the court and the definition of one-half day for these purposes; require a new, one-time fee of \$25 for official court reporter services from each party to a civil action or proceeding unless the amount demanded is \$10,000 or less, as specified; and specify that all these official court reporter fees only be used to pay for official court reporter services in civil proceedings. The bill would also require the Judicial Council to report each year to the Joint Legislative Budget Committee on the fees collected and amounts spent for official court reporter services in civil proceedings in the prior fiscal year.

(6) Existing law imposes specified fees upon filing a notice of appeal in a civil case appealed to a court of appeal, a petition for a writ within the original jurisdiction of the Supreme Court or the court of appeal, and a petition for hearing in a civil case in the Supreme Court after decision in a court of appeal.

This bill would increase each of those fees by \$220 and would impose an additional \$170 fee upon filing a notice of appeal, a petition for a writ, or a petition for a hearing. The bill would also establish the Appellate Court Trust Fund within the State Treasury, into which each of those fees would be deposited and from which, upon appropriation by the Legislature, those fees would be apportioned by the Judicial Council to the courts of appeal and the Supreme Court, as specified.

The bill would provide that these provisions shall become operative only if a specific sum, or more, is appropriated for the support of the judiciary in the Budget Act of 2003; in which event



they shall become operative on the 15th day after the effective date of the bill or on July 1, 2003, whichever is later.

(7) The Superior Court Law Enforcement Act of 2002 requires the Judicial Council to adopt a rule establishing a working group on court security.

This bill would require the Judicial Council to establish a working group to promulgate uniform standards and guidelines in regard to court security services, with specified representatives, and to promulgate and implement rules, standards, and policy directions for the trial courts in order to achieve efficiencies to reduce security operating costs.

(8) The bill would impose a state-mandated local program by requiring new duties of county treasurers.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(10) The bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 116.230 of the Code of Civil Procedure is amended to read:

116.230. (a) A fee of twenty dollars (\$20) shall be collected for the filing of a claim if the number of claims previously filed by the party in each court within the previous 12 months is 12 or less.

(b) A fee of sixty dollars (\$60) shall be collected for the filing of any additional claims.

(c) A fee to cover the actual cost of court service by mail, adjusted upward to the nearest dollar, shall be charged and collected for each defendant to whom the court clerk mails a copy of the claim under Section 116.340.



(d) The number of claims filed by a party during the previous 12 months shall be determined by a declaration by the party stating the number of claims so filed and submitted to the clerk with the current claim.

(e) Five dollars (\$5) of the fee authorized in subdivision (a) shall be deposited upon collection in the special account in the county treasury established pursuant to subdivision (b) of Section 68085 of the Government Code, and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(f) Thirty dollars (\$30) of the fee authorized in subdivision (b) shall be deposited upon collection in the special account in the county treasury established pursuant to subdivision (b) of Section 68085 of the Government Code and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(g) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 116.230 is added to the Code of Civil Procedure, to read:

116.230. (a) A fee of twenty dollars (\$20) shall be charged and collected for the filing of a claim if the number of claims previously filed by the party in each court within the previous 12 months is 12 or less; and a fee of thirty-five dollars (\$35) shall be collected for the filing of any additional claims.

(b) A fee to cover the actual cost of court service by mail, adjusted upward to the nearest dollar, shall be charged and collected for each defendant to whom the court clerk mails a copy of the claim under Section 116.340.

(c) The number of claims filed by a party during the previous 12 months shall be determined by a declaration by the party stating the number of claims so filed and submitted to the clerk with the current claim.

(d) Five dollars (\$5) of the fees authorized in subdivision (a) shall be deposited upon collection in the special account in the county treasury established pursuant to subdivision (b) of Section 68085 of the Government Code, and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(e) This section shall become operative July 1, 2006.

SEC. 3. Section 116.820 of the Code of Civil Procedure is amended to read:

116.820. (a) The judgment of a small claims court may be enforced as provided in Title 9 (commencing with Section 680.010) of Part 2 and in Sections 674 and 1174 on the enforcement of judgments of other courts. A judgment of the superior court after a hearing on appeal, and after transfer to the small claims court under subdivision (d) of Section 116.780, may be enforced like other judgments of the small claims court, as provided in Title 9 (commencing with Section 680.010) of Part 2 and in Sections 674 and 1174 on the enforcement of judgments of other courts.

(b) The fees specified in Sections 26828, 26830, and 26834 of the Government Code shall be charged and collected by the clerk for the issuance of a writ of execution, an order of examination of a judgment debtor, or an abstract of judgment. Except as provided in Section 26830 of the Government Code, all the fees shall be deposited in a special account in the county treasury and transmitted therefrom to the Controller for deposit in the Trial Court Trust Fund.

(c) The prevailing party in any action subject to this chapter is entitled to the costs of enforcing the judgment and accrued interest.

SEC. 4. Section 1021.8 is added to the Code of Civil Procedure, to read:

1021.8. (a) Whenever the Attorney General prevails in a civil action to enforce Section 22445, 22446.5, 22958, or 22962 of the Business and Professions Code, Section 52, 52.1, or 55 of the Civil Code, Section 1603.1, 2014, or 5650.1 of the Fish and Game Code, Section 4458, 12606, 12607, 12598, 12989.3, 66640, 66641, or 66641.7 of the Government Code, Section 13009, 13009.1, 19958.5, 25299, or 118950 of the Health and Safety Code, Section 308.1 or 308.3 of the Penal Code, Section 30820, 30821.6, or 30822 of the Public Resources Code, or Section 275, 1052, 1845, 13350, or 13385 of the Water Code, the court shall award to the Attorney General all costs of investigating and prosecuting the action, including expert fees, reasonable attorney's fees, and costs. Awards under this section shall be paid to the Public Rights Law Enforcement Special Fund established by Section 12530 of the Government Code.



(b) This section applies to any action pending on the effective date of this section and to any actions filed thereafter.

SEC. 5. Section 12530 is added to the Government Code, to read:

12530. The Public Rights Law Enforcement Special Fund is hereby established in the State Treasury, to be administered by the Department of Justice. Moneys in the fund, upon appropriation by the Legislature, shall be used by the Attorney General to support the investigation and prosecution of any matter within the authority of the Department of Justice's Public Rights Division.

SEC. 6. Section 12598 of the Government Code is amended to read:

12598. (a) The primary responsibility for supervising charitable trusts in California, for insuring compliance with trusts and articles of incorporation, and for protection of assets held by charitable trusts and public benefit corporations, resides in the Attorney General. The Attorney General has broad powers under common law and California statutory law to carry out these charitable trust enforcement responsibilities. These powers include, but are not limited to, charitable trust enforcement actions under all of the following:

(1) This article.

(2) Title 8 (commencing with Section 2223) of Part 4 of Division 3 of the Civil Code.

(3) Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code.

(4) Sections 8111, 11703, 15004, 15409, 15680 to 15685, 16060 to 16062, 16064, and 17200 to 17210, inclusive, of the Probate Code.

(5) Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code, and Sections 17500 and 17535 of the Business and Professions Code.

(6) Sections 319, 326.5, and 532d of the Penal Code.

(b) The Attorney General shall be entitled to recover from defendants named in a charitable trust enforcement action all reasonable attorney's fees and actual costs incurred in conducting that action, including, but not limited to, the costs of auditors, consultants, and experts employed or retained to assist with the investigation, preparation, and presentation in court of the charitable trust enforcement action.



(c) Attorney's fees and costs shall be recovered by the Attorney General pursuant to court order. When awarding attorneys' fees and costs, the court shall order that the attorneys' fees and costs be paid by the charitable organization and the individuals named as defendants in or otherwise subject to the action, in a manner that the court finds to be equitable and fair.

(d) Upon a finding by the court that a lawsuit filed by the Attorney General was frivolous or brought in bad faith, the court may award the defendant charity the costs of that action.

(e) (1) The Attorney General may refuse to register or may revoke or suspend the registration of a charitable corporation or trustee, commercial fundraiser, fundraising counsel, or coventurer whenever the Attorney General finds that the charitable corporation or trustee, commercial fundraiser, fundraising counsel, or coventurer has violated or is operating in violation of any provisions of this article.

(2) All actions of the Attorney General shall be taken subject to the rights authorized pursuant to Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2.

SEC. 7. Section 12989.3 of the Government Code is amended to read:

12989.3. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of denying to others the full enjoyment of any of the rights granted by this article, or that any group of persons has been denied any of the rights granted by this article and that denial raises an issue of general public importance, the Attorney General shall commence a civil action in any court.

(b) Upon referral from the department, the Attorney General may commence a civil action in any appropriate court for appropriate relief with respect to a discriminatory housing practice referred to the Attorney General by the department under subdivision (b) of Section 12981.

(c) A civil action under this section may be commenced not later than the expiration of 18 months after the date of the occurrence or termination of the alleged discriminatory housing practice.

(d) The Attorney General shall commence a civil action in any appropriate court for appropriate relief with respect to breach of a conciliation agreement referred to the Attorney General by the



department. A civil action shall be commenced under this paragraph not later than the expiration of 90 days after the referral of the alleged breach.

(e) The Attorney General, on behalf of the department or other party at whose request a subpoena is issued, under this article, shall enforce that subpoena in appropriate proceedings in the court for the judicial district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(f) In a civil action under this section, the court may award any of the following:

(1) Preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this title as is necessary to assure the full enjoyment of the rights granted by this title.

(2) Other relief as the court deems appropriate, including monetary damages to persons aggrieved.

(3) A civil penalty in an amount not exceeding fifty thousand dollars (\$50,000), for a first violation, and in an amount not exceeding one hundred thousand dollars (\$100,000), for any subsequent violation.

(g) In a civil action under this section, the court, in its discretion, may allow the prevailing party, reasonable attorney's fees and costs, including expert witness fees, against any party other than the state.

(h) Upon timely application, any person may intervene in a civil action commenced by the Attorney General under this section that involves an alleged discriminatory housing practice with respect to which that person is an aggrieved person or a conciliation agreement to which that person is a party. The court may grant appropriate relief to any intervening party as is authorized to be granted to a plaintiff in a civil action under Section 12989.2.

SEC. 8. Section 26826.4 is added to the Government Code, to read:

26826.4. (a) Each party filing papers requesting or opposing the designation of a case as a complex case, as specified in the California Rules of Court, shall pay a designation fee to the clerk of the court, for the adjudication of the designation, at the time of filing the paper requesting or opposing the designation.



(b) In each case in which a court has designated a case as a complex case, each party who has not paid the fee provided for by subdivision (a) shall pay a designation fee to the clerk of the court within 10 calendar days of the filing of the court's order.

(c) Each party in each case that is designated, counterdesignated, or found to be complex shall pay a separate fee.

(d) The fee established by this section shall be five hundred dollars (\$500). The fee shall be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(e) The fees provided by this section shall be subject to the surcharge imposed by Section 68087.

(f) The fees provided by this section are in addition to the total filing fee authorized by Section 26820.4, 26826, 72055, or 72056, or any other fee authorized by law.

(g) Failure to pay the fees required by this section shall have the same effect as the failure to pay a filing fee, and shall be subject to the same enforcement and penalties.

(h) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 9. Section 26827 of the Government Code is amended to read:

26827. (a) The total fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, or a first account of a testamentary trustee of a trust that is subject to the continuing jurisdiction of the court pursuant to Chapter 4 (commencing with Section 17300) of Part 5 of Division 9 of the Probate Code is, as follows:

(1) One hundred eighty-five dollars (\$185) for estates under two hundred fifty thousand dollars (\$250,000).

(2) Two hundred fifty dollars (\$250) for estates of at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000).

(3) Three hundred fifty dollars (\$350) for estates of at least five hundred thousand dollars (\$500,000) and less than seven hundred fifty thousand dollars (\$750,000).



(4) Five hundred dollars (\$500) for estates of at least seven hundred fifty thousand dollars (\$750,000) and less than one million dollars (\$1,000,000).

(5) One thousand dollars (\$1,000) for estates of at least one million dollars (\$1,000,000) and less than one million five hundred thousand dollars (\$1,500,000).

(6) Two thousand dollars (\$2,000) for estates of at least one million five hundred thousand dollars (\$1,500,000) and less than two million dollars (\$2,000,000).

(7) Two thousand five hundred dollars (\$2,500) for estates of at least two million dollars (\$2,000,000) and less than two million five hundred thousand dollars (\$2,500,000).

(8) Three thousand five hundred dollars (\$3,500) for estates of at least two million five hundred thousand dollars (\$2,500,000) and less than three million five hundred thousand dollars (\$3,500,000).

(9) Three thousand five hundred dollars (\$3,500) plus 0.2 percent of the amount over three million five hundred thousand dollars (\$3,500,000) for estates of three million five hundred thousand dollars (\$3,500,000) or more.

(b) The petitioner under subdivision (a) shall estimate the value of the decedent's estate in the petition. The filing fee shall be determined based on the estimate by the petitioner at the time the petition is filed. If the final appraised value of the decedent's estate would result in a filing fee different from the filing fee actually paid, an adjustment shall be made at the time of the final account, under rules adopted by the Judicial Council. The filing fee for a trustee under subdivision (a) shall be based on the value of the trust shown in the first account.

(c) The total fee for filing the first petition for letters of guardianship, a petition for letters of conservatorship, a petition for compromise of a minor's claim, a petition pursuant to Section 13151 of the Probate Code, a petition pursuant to Section 13650 of the Probate Code, except as provided in Section 13652 of the Probate Code, or a petition to contest any will or codicil is one hundred eighty-five dollars (\$185).

(d) A fee of one hundred eighty-five dollars (\$185) shall also be charged for filing any subsequent petition of a type described in subdivision (a) or (c) in the same proceeding by a person other than the original petitioner.



(e) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 10. Section 26827 is added to the Government Code, to read:

26827. (a) The total fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, a first account of a testamentary trustee of a trust that is subject to the continuing jurisdiction of the court pursuant to Chapter 4 (commencing with Section 17300) of Part 5 of Division 9 of the Probate Code, a petition for letters of guardianship, a petition for letters of conservatorship, a petition for compromise of a minor's claim, a petition pursuant to Section 13151 of the Probate Code, a petition pursuant to Section 13650 of the Probate Code (except as provided in Section 13652 of the Probate Code), or a petition to contest any will or codicil is one hundred eighty-five dollars (\$185).

(b) The fee set forth in subdivision (a) shall also be charged for filing any subsequent petition of a type described in subdivision (a) in the same proceeding by a person other than the original petitioner.

(c) This section shall become operative July 1, 2006.

SEC. 11. Section 26830 of the Government Code is amended to read:

26830. (a) Except as provided in subdivisions (b), (c), and (d), the fee for filing any notice of motion, or any other paper requiring a hearing subsequent to the first paper, or any notice of intention to move for a new trial of any civil action or special proceeding, or an application for renewal of a judgment, is thirty-three dollars (\$33).

However, there shall be no fee for filing any of the following:

- (1) An amended notice of motion.
- (2) A civil case management statement.
- (3) A hearing on a petition for emancipation of a minor.
- (4) Default hearings.

(5) A show-cause hearing on a petition for an injunction prohibiting harassment.

(6) A show-cause hearing on an application for an order prohibiting domestic violence.



(7) A show-cause hearing on writs of review, mandate, or prohibition.

(8) A show-cause hearing on a petition for a change of name.

(9) A hearing to compromise a claim of a minor or an insane or incompetent person.

(b) The fee for filing a motion for summary judgment or summary adjudication of issues is one hundred fifty dollars (\$150).

(c) The fee for the filing of any motion in small claims court matters is fourteen dollars (\$14), which shall be deposited in the county general fund for use as county general fund revenue.

(d) If a continuance is granted, in addition to the notice of motion fee required under subdivision (a), a fee of one hundred dollars (\$100) shall be collected for filing a motion or a stipulation for continuance of a trial, or requesting a continuance for trial orally, which shall be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(e) Notwithstanding Section 68085, fourteen dollars (\$14) of the thirty-three dollar (\$33) fee authorized in subdivision (a) and one hundred dollars (\$100) of the one hundred fifty dollar (\$150) fee established by subdivision (b) shall be deposited in the county general fund for use as county general fund revenue. The balance of the fees collected shall all be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(f) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required by subdivisions (a), (b), (c), and (d) apply separately to each motion or other paper filed.

(g) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 12. Section 26830 is added to the Government Code, to read:

26830. (a) Except as provided in subdivisions (b) and (c), the fee for filing any notice of motion, or any other paper requiring a hearing subsequent to the first paper, or any notice of intention to move for a new trial of any civil action or special proceeding, or

an application for renewal of a judgment, is thirty-three dollars (\$33).

However, there shall be no fee for filing any of the following:

- (1) An amended notice of motion.
- (2) A civil case management statement.
- (3) A hearing on a petition for emancipation of a minor.
- (4) Default hearings.
- (5) A show-cause hearing on a petition for an injunction prohibiting harassment.
- (6) A show-cause hearing on an application for an order prohibiting domestic violence.
- (7) A show-cause hearing on writs of review, mandate, or prohibition.
- (8) A show-cause hearing on a petition for a change of name.
- (9) A hearing to compromise a claim of a minor or an insane or incompetent person.

(b) The fee for filing a motion for summary judgment or summary adjudication of issues is one hundred dollars (\$100).

(c) The fee for the filing of any motion in small claims court matters is fourteen dollars (\$14), which shall be deposited in the county general fund for use as county general fund revenue.

(d) Notwithstanding Section 68085, fourteen dollars (\$14) of the thirty-three dollar (\$33) fee authorized in subdivision (a) and the one hundred dollar (\$100) fee established by subdivision (b) shall be deposited in the county general fund for use as county general fund revenue. The balance of the fees collected shall all be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(e) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required by subdivisions (a), (b), and (c) apply separately to each motion or other paper filed.

(f) This section shall become operative July 1, 2006.

SEC. 13. Section 68085.5 is added to the Government Code, to read:

68085.5. (a) Notwithstanding any other provision of law, the fees and fines collected pursuant to Sections 116.390, 116.570, 116.760, 116.860, 491.150, 704.750, 708.160, 724.100, 1134, and 1161.2 of the Code of Civil Procedure, Sections 26824, 26828,



26829, 26834, and 72059 of the Government Code, and Section 1835 of the Probate Code, that are not part of a local revenue sharing agreement or practice shall be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(b) Notwithstanding any other provision of law, the fees and fines collected pursuant to Sections 26827.6, 26827.7, 26840.1, 26847, 26854, 26855.1, 26855.2, 26859, 27293, 71386, and 72061 of the Government Code, Section 103470 of the Health and Safety Code, Sections 1203.4 and 1203.45 of the Penal Code, Sections 2343, 7660, and 13201 of the Probate Code, and Section 14607.6 of the Vehicle Code, that are not subject to a local revenue sharing agreement or practice, shall be deposited in a special account in the county treasury.

(c) However, if a superior court incurs the cost or provides the services specified in subdivision (b), the fees and fines collected shall be transmitted from the special account in the county treasury monthly to the Controller for deposit in the Trial Court Trust Fund.

(d) (1) Until July 1, 2005, each superior court and each county shall maintain the distribution of revenue from the fees specified in subdivisions (a) and (b) that is in effect pursuant to an agreement or practice that is in place at the time this section takes effect.

(2) In order to ensure that expenditures from revenue sharing agreements are consistent with Judicial Council fiscal and budgetary policy, the Administrative Director of the Courts shall review and approve all distribution of revenue agreements that are negotiated after the effective date of this section. If approval of an agreement negotiated after the effective date of this section is not granted, the director shall advise the court and county of the reasons for not granting approval and suggest modifications that will make the agreement consistent with the Judicial Council fiscal and budgetary policies.

(e) The Administrative Office of the Courts and the California State Association of Counties shall jointly determine and administer on or after January 1, 2004, and on or after January 1, 2005, all of the following:

(1) The amount of revenue that was deposited in the Trial Court Trust Fund pursuant to subdivision (a) and (b) during the calendar year that just ended.



(2) The difference between the amount specified in subdivision (c) and thirty-one million dollars (\$31,000,000).

(3) A county-by-county transfer of the amount specified in paragraph (2) to the Trial Court Trust Fund in two equal installments, on February 15 and May 15, in each fiscal year.

(4) Any payment to correct for an overpayment or underpayment made for the 2003–04 fiscal year, shall be paid to the appropriate party on or before September 15, 2004.

(5) The sum of the amounts specified in paragraphs (1) and (2) may not exceed thirty-one million dollars (\$31,000,000), and shall be deposited in the Trial Court Trust Fund.

(f) Each superior court and each county shall provide detailed quarterly reports of the revenues generated by the fees and fines specified in subdivisions (a) and (b), Sections 177.5 and 1218 of the Civil Code of Procedure, and Sections 166 and 1214.1 of the Penal Code. The reports shall include the total amount collected and retained by the court or county and the existing distribution of those fees.

(g) On or before January 1, 2005, the Administrative Office of the Courts and the California State Association of Counties shall jointly propose to the Legislature a long-term revenue allocation schedule, to take effect on July 1, 2005, for the fees and fines specified in subdivisions (a) and (b), Sections 177.5 and 1218 of the Civil Code of Procedure, and Sections 166 and 1214.1 of the Penal Code. The revenue allocation schedule shall include provision for any underpayment or overpayment made pursuant to this section.

(h) No other transfers of the fees and fines specified in subdivisions (a) and (b), Sections 177.5 and 1218 of the Code of Civil Procedure, and Sections 166 and 1214.1 of the Penal Code shall take effect prior to July 1, 2005.

(i) Nothing in this section shall be deemed to alter or make void the shift of responsibility for court funding from the counties to the state.

SEC. 14. Section 68086 of the Government Code is amended to read:

68086. (a) The following provisions apply in superior court:

(1) In addition to any other fee required in civil actions or cases, for each proceeding lasting more than one hour, a fee equal to the actual cost of providing that service shall be charged per one-half

day of services to the parties, on a pro rata basis, for the services of an official reporter on the first and each succeeding judicial day those services are provided pursuant to Section 269 of the Code of Civil Procedure.

(2) All parties shall deposit their pro rata shares of these fees with the clerk of the court as specified by the court, but not later than the conclusion of each day's court session.

(3) For purposes of this section, "one-half day" means any period of judicial time, in excess of one hour but not more than four hours, during either the morning or afternoon court session.

(4) In addition to the fees authorized by Sections 26820.4, 26826, 72055, and 72056, a one-time fee of twenty-five dollars (\$25) for the cost of the services of an official reporter shall be charged to each party upon the filing of a first paper in a civil action or proceeding in the superior court, unless the amount demanded, excluding attorney's fees and costs, is ten thousand dollars (\$10,000) or less. No additional fee shall be charged to a party for the cost of the services of an official reporter in proceedings lasting one hour or less.

(5) The costs for the services of the official reporter shall be recoverable as taxable costs by the prevailing party as otherwise provided by law.

(6) The Judicial Council shall adopt rules to ensure all of the following:

(A) That parties are given adequate and timely notice of the availability of an official reporter.

(B) That if an official reporter is not available, a party may arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter, the costs therefore recoverable as provided in paragraph (5).

(C) That if the services of an official pro tempore reporter are utilized pursuant to subparagraph (B), no other charge will be made to the parties.

(b) The fees collected pursuant to this section shall only be used to pay the cost for services of an official reporter in civil proceedings.

(c) The Judicial Council shall report on or before February 1 of each year to the Joint Legislative Budget Committee on the total fees collected and the total amount spent for official court reporter services in civil proceedings in the prior fiscal year.

SEC. 15. Section 68926 of the Government Code is amended to read:

68926. The fee for filing a notice of appeal in a civil case appealed to a court of appeal is four hundred eighty-five dollars (\$485). The fee for filing a petition for a writ within the original civil jurisdiction of the Supreme Court is four hundred twenty dollars (\$420). The fee for filing a petition for a writ within the original civil jurisdiction of a court of appeal is four hundred eighty-five dollars (\$485). These fees are in full, for all services, through the rendering of the judgment or the issuing of the remittitur or peremptory writ, except the fees imposed by subdivision (b) of Section 68926.1 and Section 68927. The Judicial Council may make rules governing the time and method of payment of these fees, and providing for excuse therefrom in appropriate cases. A fee may not be charged in appeals from, nor petitions for writs involving, juvenile cases or proceedings to declare a minor free from parental custody or control.

SEC. 16. Section 68926.1 of the Government Code is amended to read:

68926.1. (a) Upon filing a notice of appeal for which a fee is paid pursuant to Section 68926, the appellant shall deposit the sum of one hundred dollars (\$100) with the clerk of the originating court. The deposit shall be credited against the amount chargeable for the preparation of the clerk's transcript or any other appeal processing or notification.

The deposit shall be forfeited in the event of abandonment or dismissal of appeal prior to filing of the record in the reviewing court.

(b) Upon filing a notice of appeal, a petition for a writ, or a petition for a hearing for which a fee is paid pursuant to Section 68926 or 68927, the appellant shall pay an additional fee in the amount of one hundred seventy dollars (\$170). The fees collected pursuant to this subdivision shall be transmitted to the State Treasury for deposit in the Appellate Court Trust Fund.

SEC. 17. Section 68927 of the Government Code is amended to read:

68927. The fee for filing a petition for hearing in a civil case in the Supreme Court after decision in a court of appeal is four hundred twenty dollars (\$420).



SEC. 18. Section 68933 is added to the Government Code, to read:

68933. (a) There is hereby established the Appellate Court Trust Fund, the proceeds of which shall be used for the purpose of funding the courts of appeal and the Supreme Court.

(b) The fund, upon appropriation by the Legislature, shall be apportioned by the Judicial Council as follows:

(1) One-half of the amount received from a court of appeal or the Supreme Court shall be allocated to that court.

(2) The remainder of the money in the Appellate Court Trust Fund shall be allocated to the courts of appeal and the Supreme Court as determined by the Judicial Council, taking into consideration all other funds available to each court and the needs of each court, in a manner that promotes equal access to the courts, ensures the ability of the courts to carry out their functions, and promotes implementation of statewide policies. The Judicial Council may delegate its authority to make the determination under this paragraph to the Administrative Presiding Justices Advisory Committee established by Rule 6.52 of the California Rules of Court.

(c) Notwithstanding any other provision of law, the fees listed in subdivision (d) shall all be transmitted for deposit in the Appellate Court Trust Fund within the State Treasury.

(d) This section applies to all fees collected pursuant to Section 68926, excluding that portion subject to Section 68926.3; subdivision (b) of Section 68926.1; and Sections 68927, 68928, 68929, 68930, and 68932.

(e) Before making any apportionments under this section, the Controller shall deduct, from the annual appropriation for that purpose, the actual administrative costs that will be incurred under this section. Costs reimbursed under this section shall be determined on an annual basis in consultation with the Judicial Council.

(f) The Appellate Court Trust Fund shall be invested in the Surplus Money Investment Fund and all interest earned shall be allocated to the Appellate Court Trust Fund semiannually and used as specified in this section.

SEC. 19. Section 69926.5 is added to the Government Code, to read:



69926.5. (a) To ensure and maintain adequate funding for court security, a surcharge of twenty dollars (\$20) is added to the total fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056.

(b) Notwithstanding any other provision of law, the surcharges collected pursuant to subdivision (a) shall all be deposited in a special account in the county treasury, and transmitted therefrom monthly to the State Controller for deposit in the Trial Court Trust Fund.

SEC. 20. Section 69927 of the Government Code is amended to read:

69927. (a) It is the intent of the Legislature in enacting this section to develop a definition of the court security component of court operations that modifies Function 8 of Rule 810 of the California Rules of Court in a manner that will standardize billing and accounting practices and court security plans, and identify allowable law enforcement security costs after the operative date of this article. It is not the intent of the Legislature to increase or decrease the responsibility of a county for the cost of court operations, as defined in Section 77003 or Rule 810 of the California Rules of Court, as it read on July 1, 1996, for court security services provided prior to January 1, 2003. It is the intent of the Legislature that a sheriff or marshal's court law enforcement budget may not be reduced as a result of this article. Any new court security costs permitted by this article shall not be operative unless the funding is provided by the Legislature.

(1) The Judicial Council shall adopt a rule establishing a working group on court security. The group shall consist of six representatives from the judicial branch of government, as selected by the Administrative Director of the Courts, two representatives of the counties, as selected by the California State Association of Counties, and three representatives of the county sheriffs, as selected by the California State Sheriffs' Association. It is the intent of the Legislature that this working group may recommend modifications only to the template used to determine that the security costs submitted by the courts to the Administrative Office of the Courts are permitted pursuant to this article. The template shall be a part of the trial court's financial policies and procedures manual and used in place of the definition of law enforcement costs in Function 8 of Rule 810 of the



California Rules of Court. If the working group determines that there is a need to make recommendations to the template that specifically involve law enforcement or security personnel in courtrooms or court detention facilities, the membership of the working group shall change and consist of six representatives from the judicial branch of government selected by the Administrative Director of the Courts, two representatives of the counties selected by the California State Association of Counties, two representatives of the county sheriffs selected by the California State Sheriffs' Association, and two representatives of labor selected by the California Coalition of Law Enforcement Associations.

(2) The Judicial Council shall establish a working group on court security to promulgate recommended uniform standards and guidelines that may be used by the Judicial Council and any sheriff or marshal for the implementation of trial court security services. The working group shall consist of representatives from the judicial branch of government, the California State Sheriffs' Association, the California State Association of Counties, the Peace Officer's Research Association of California, and the California Coalition of Law Enforcement Associations, for the purpose of developing guidelines. The Judicial Council, after requesting and receiving recommendations from the working group on court security, shall promulgate and implement rules, standards, and policy directions for the trial courts in order to achieve efficiencies that will reduce security operating costs and constrain growth in those costs.

(3) When mutually agreed to by the courts, county, and the sheriff or marshal in any county, the costs of perimeter security in any building that the court shares with any county agency, excluding the sheriff or marshal's department, shall be apportioned based on the amount of the total noncommon square feet of space occupied by the court and any county agency.

(4) "Allowable costs for equipment, services, and supplies," as defined in the contract law enforcement template, means the purchase and maintenance of security screening equipment and the cost of ammunition, batons, bulletproof vests, handcuffs, holsters, leather gear, chemical spray and holders, radios, radio chargers and holders, uniforms, and one primary duty sidearm.



(5) “Allowable costs for professional support staff for court security operations,” as defined in the contract law enforcement template, means the salary, benefits, and overtime of staff performing support functions that, at a minimum, provide payroll, human resources, information systems, accounting, or budgeting.

Allowable costs for professional support staff for court security operations in each trial court shall not exceed 6 percent of total allowable costs for law enforcement security personnel services in courts whose total allowable costs for law enforcement security personnel services is less than ten million dollars (\$10,000,000) per year. Allowable costs for professional support staff for court security operations for each trial court shall not exceed 4 percent of total allowable costs for law enforcement security personnel services in courts whose total allowable costs for law enforcement security personnel services exceeds ten million dollars (\$10,000,000) per year. Additional costs for services related to court-mandated special project support, beyond those provided for in the contract law enforcement template, are allowable only when negotiated by the trial court and the court law enforcement provider. Allowable costs shall not exceed actual costs of providing support staff services for law enforcement security personnel services.

The working group established pursuant to paragraph (1) of subdivision (a) may periodically recommend changes to the limit for allowable costs for professional support staff for court security operations based on surveys of actual expenditures incurred by trial courts and the court law enforcement provider in the provision of law enforcement security personnel services. Limits for allowable costs as stated in this section shall remain in effect until changes are recommended by the working group and adopted by the Judicial Council.

(6) “Allowable costs for security personnel services,” as defined in the contract law enforcement template, means the salary and benefits of an employee, including, but not limited to, county health and welfare, county incentive payments, deferred compensation plan costs, FICA or Medicare, general liability premium costs, leave balance payout commensurate with an employee’s time in court security services as a proportion of total service credit earned after January 1, 1998, premium pay, retirement, state disability insurance, unemployment insurance



costs, worker's compensation paid to an employee in lieu of salary, worker's compensation premiums of supervisory security personnel through the rank of captain, line personnel, inclusive of deputies, court attendants, contractual law enforcement services, prisoner escorts within the courts, and weapons screening personnel, court required training, and overtime and related benefits of law enforcement supervisory and line personnel.

(A) The Administrative Office of the Courts shall use the actual salary and benefits costs approved for court law enforcement personnel as of June 30 of each year in determining the funding request that will be presented to the Department of Finance.

(B) Courts and court security providers shall manage their resources to minimize the use of overtime.

(7) "Allowable costs for vehicle use for court security needs," as defined in the contract law enforcement template, means the per mile recovery cost for vehicles used in rendering court law enforcement services, exclusive of prisoner or detainee transport to or from court. The standard mileage rate applied against the miles driven for the above shall be the standard reimbursable mileage rate in effect for judicial officers and employees at the time of contract development.

(b) Nothing in this article may increase a county's obligation or require any county to assume the responsibility for a cost of any service that was defined as a court operation cost, as defined by Function 8 of Rule 810 of the California Rules of Court, as it read on July 1, 1996, or that meets the definition of any new law enforcement component developed pursuant to this article.

SEC. 21. Section 72055 of the Government Code is amended to read:

72055. (a) The total fee for filing of the first paper in a limited civil case shall be one hundred eighty-five dollars (\$185), except that in a case where the amount demanded, excluding attorney's fees and costs, is ten thousand dollars (\$10,000) or less, the fee shall be eighty-three dollars (\$83). The first page of the first paper shall state whether the amount demanded exceeds or does not exceed ten thousand dollars (\$10,000).

(b) This section applies to the initial complaint, petition, or application, and any papers transmitted from another court on the transfer of a civil action or proceeding, but does not include



documents filed pursuant to Section 491.150, 704.750, or 708.160 of the Code of Civil Procedure.

(c) The term “total fee” as used in this section and Section 72056 includes any amount allocated to the Judges’ Retirement Fund pursuant to Section 72056.1, any automation fee imposed pursuant to Section 68090.7, any construction fee imposed pursuant to Section 76238, and the law library fee established pursuant to Article 2 (commencing with Section 6320) of Chapter 5 of Division 3 of the Business and Professions Code. The term “total fee” as used in this section and Section 72056 also includes any dispute resolution fee imposed pursuant to Section 470.3 of the Business and Professions Code, but the Judicial Council may authorize any trial court to exclude any portion of this dispute resolution fee from the term “total fee.”

(d) The fee shall be waived in any action for damages against a defendant, based upon the defendant’s commission of a felony offense, upon presentation to the clerk of the court of a certified copy of the abstract of judgment of conviction of the defendant of the felony giving rise to the claim for damages. If the plaintiff would have been entitled to recover those fees from the defendant had they been paid, the court may assess the amount of the waived fees against the defendant and order the defendant to pay that sum to the county.

(e) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 22. Section 72055 is added to the Government Code, to read:

72055. (a) The total fee for filing of the first paper in a limited civil case shall be ninety dollars (\$90), except that in a case where the amount demanded, excluding attorney’s fees and costs, is ten thousand dollars (\$10,000) or less, the fee shall be eighty-three dollars (\$83). The first page of the first paper shall state whether the amount demanded exceeds or does not exceed ten thousand dollars (\$10,000).

(b) This section applies to the initial complaint, petition, or application, and any papers transmitted from another court on the transfer of a civil action or proceeding, but does not include



documents filed pursuant to Section 491.150, 704.750, or 708.160 of the Code of Civil Procedure.

(c) The term “total fee” as used in this section and Section 72056 includes any amount allocated to the Judges’ Retirement Fund pursuant to Section 72056.1, any automation fee imposed pursuant to Section 68090.7, any construction fee imposed pursuant to Section 76238, and the law library fee established pursuant to Article 2 (commencing with Section 6320) of Chapter 5 of Division 3 of the Business and Professions Code. The term “total fee” as used in this section and Section 72056 also includes any dispute resolution fee imposed pursuant to Section 470.3 of the Business and Professions Code, but the Judicial Council may authorize any trial court to exclude any portion of this dispute resolution fee from the term “total fee.”

(d) The fee shall be waived in any action for damages against a defendant, based upon the defendant’s commission of a felony offense, upon presentation to the clerk of the court of a certified copy of the abstract of judgment of conviction of the defendant of the felony giving rise to the claim for damages. If the plaintiff would have been entitled to recover those fees from the defendant had they been paid, the court may assess the amount of the waived fees against the defendant and order the defendant to pay that sum to the county.

(e) This section shall become operative July 1, 2006.

SEC. 23. Section 72056 of the Government Code is amended to read:

72056. (a) The total fee for filing of the first paper in a limited civil case on behalf of any party other than a plaintiff shall be one hundred eighty-five dollars (\$185), except that in a case where the amount demanded, excluding attorney’s fees and costs, is ten thousand dollars (\$10,000) or less, the fee shall be eighty dollars (\$80).

(b) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 24. Section 72056 is added to the Government Code, to read:



72056. (a) The total fee for filing of the first paper in a limited civil case on behalf of any party other than a plaintiff shall be eighty dollars (\$80).

(b) This section shall become operative July 1, 2006.

SEC. 25. Section 1465.8 is added to the Penal Code, to read:

1465.8. (a) (1) To ensure and maintain adequate funding for court security, a fee of twenty dollars (\$20) shall be imposed on every conviction for a criminal offense, including a traffic offense, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.

(2) For the purposes of this section, “conviction” includes the dismissal of a traffic violation on the condition that the defendant attend a court-ordered traffic violator school, as authorized by Sections 41501 and 42005 of the Vehicle Code. This security fee shall be deposited in accordance with subdivision (d), and may not be included with the fee calculated and distributed pursuant to Section 42007 of the Vehicle Code.

(b) This fee shall be in addition to the state penalty assessed pursuant to Section 1464 and may not be included in the base fine to calculate the state penalty assessment as specified in subdivision (a) of Section 1464.

(c) When bail is deposited for an offense to which this section applies, and for which a court appearance is not necessary, the person making the deposit shall also deposit a sufficient amount to include the fee prescribed by this section.

(d) Notwithstanding any other provision of law, the fees collected pursuant to subdivision (a) shall all be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(e) The Judicial Council shall provide for the administration of this section.

SEC. 26. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000),



reimbursement shall be made from the State Mandates Claims Fund.

SEC. 27. Sections 1, 8, 9, 11, 19, 21, 23, and 25 of this act shall become operative only if the total appropriation for the support of trial court funding in Item 0450-101-0932 of the Budget Act of 2003, as enacted, is two billion one hundred eighty-six million eight hundred sixty-four thousand dollars (\$2,186,864,000) or more and the total appropriation for support of trial court funding in Item 0450-111-0001 of the Budget Act of 2003, as enacted, is one billion one million one thousand dollars (\$1,001,001,000) or more ; and in that event, shall become operative on the 15th day after the effective date of this act or on July 1, 2003, whichever is later.

SEC. 28. Sections 15, 16, 17, and 18 of this act shall become operative only if the total appropriation for support of the judiciary in Item 0250-001-0001 of the Budget Act of 2003, as enacted, is two hundred eighty million four hundred ninety thousand dollars (\$280,490,000) or more; and in that event shall become operative on the 15th day after the effective date of this act or July 1, 2003, whichever is later.

SEC. 29. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide for changes to implement the Budget Act of 2003, it is necessary that this act take effect immediately.



Approved _____, 2003

Governor

